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April 29, 2022

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

ISOJON KHUSENOV,

Plaintiff,

-against- CASE NO. 1:21CV-3703-BMC

PROKRAFT INC. and PRO-CUT,

Defendants.

-----X

PROKRAFT INC.,

Third-Party Plaintiff,

-against-

KARZINKA US, INC.,

Third-Party Defendant.

-----X

Lexitas Legal View

April 29, 2022

9:20 a.m.

EXAMINATION BEFORE TRIAL of KHUSEN  
NOSIROVICH HODJIMAMETOV, held via videoconference  
at the above-mentioned time by Joseph Redd, Esq.,  
before Donna Pfeffer, a Notary Public of the State  
of New York.

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**A P P E A R A N C E S:**

LAW OFFICE OF YURIH PRAKHIM  
Attorneys for Plaintiff -  
Isojon Khusenov  
1883 86th Street  
Brooklyn, New York 11214  
BY: GIL ZOHAR, ESQ.

O'CONNOR REDD ORLANDO  
Attorneys for the Defendants and  
Third-Party Plaintiff - Prokraft Inc.  
and Pro-Cut  
242 King Street  
Portchester, New York 10573  
BY: JOSEPH REDD, ESQ.

CONGDON, FLAHERTY, O'CALLAHAN  
Attorneys for Karzinka US, Inc. And  
Khusen Nosinovich Hodjimametov  
333 Earle Ovington Boulevard, Suite 502  
Uniondale, New York 11553  
BY: THOMAS EVANS, ESQ.

**A L S O P R E S E N T:**

MUHITDIN AHUNHODJAEV - UZBEK INTERPRETER -  
EIBER TRANSLATIONS  
MATTHEW JACOBSON

\* \* \*

(1)

(2)

S T I P U L A T I O N S

(3)

(4)

(5)

(6)

IT IS HEREBY STIPULATED AND AGREED by and  
between (among) counsel for the respective parties  
hereto that:

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All rights provided by the C.P.L.R.,  
including the right to object to any question,  
except as to form, or to move to strike any  
testimony at this (these) examination(s), are  
reserved, and, in addition, the failure to object  
to any question or to move to strike any testimony  
at this (these) examination(s) shall not be a bar  
or waiver to make such motion at, and is reserved  
for the trial of this action.

IT IS FURTHER STIPULATED AND AGREED by and  
between (among) counsel for the respective  
parties hereto, that this (these) examination(s)  
may be sworn to by the witness(es) being examined,  
before a Notary Public other than the Notary Public  
before whom this (these) examination(s)  
was (were) begun; but the failure to do so or to  
return the original of this (these) examination(s)

(1)  
(2) to counsel, shall not be deemed a waiver of the  
(3) rights provided by Rules 3116 and 3117 of the  
(4) C.P.L.R., and shall be controlled thereby;

(5)  
(6) IT IS FURTHER STIPULATED AND AGREED by and  
(7) between (among) counsel for the respective  
(8) parties hereto, that this (these) examination(s)  
(9) may be utilized for all purposes as provided by the  
(10) C.P.L.R.;

(11)  
(12) IT IS FURTHER STIPULATED AND AGREED by and  
(13) between (among) counsel for the respective  
(14) parties hereto, that the filing and certification  
(15) of the original of this (these) examination(s)  
(16) shall be and the same hereby are waived.

(17)  
(18) IT IS FURTHER STIPULATED AND AGREED by and  
(19) between (among) counsel for the respective parties  
(20) hereto, that a copy of the within examination(s)  
(21) shall be furnished to counsel representing the  
(22) witness(es) testifying, without charge.

(23)  
(24) IT IS FURTHER STIPULATED AND AGREED  
(25) by and between (among) counsel for the respective

(1)  
(2) parties hereto, that all rights provided by the  
(3) C.P.L.R., and Part 221 of the Uniform Rules for the  
(4) Conduct of Depositions, including the right  
(5) to object to any question, except as to form, or to  
(6) move to strike any testimony at this examination is  
(7) reserved; and, in addition, the failure to object  
(8) to any question or to move to strike any testimony  
(9) at this examination shall  
(10) not be a bar or waiver to make such motion at,  
(11) and is reserved to, the trial of this action.  
(12)

(13) IT IS FURTHER STIPULATED AND AGREED  
(14) by and between counsel for all parties present that  
(15) pursuant to C.P.L.R. section 3113(d) this  
(16) deposition is to be conducted by videoconference,  
(17) that the court reporter, all counsel, and the  
(18) witness are all in separate remote locations and  
(19) participating via videoconference  
(20) ( ) Meeting under the control of Lexitas Court  
(21) Reporting Service, that the officer administering  
(22) the oath to the witness need not be in the place of  
(23) the deposition, and the witness shall be sworn in  
(24) remotely by the court reporter after confirming the  
(25) witness' identity, that this

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(1)  
(2)       videoconference will not be recorded in any manner,  
(3)       and that any recording without the  
(4)       express written consent of all parties shall be  
(5)       considered unauthorized, in violation of law, and  
(6)       shall not be used for any purpose in this  
(7)       litigation or otherwise.

(8)  
(9)               IT IS FURTHER STIPULATED that exhibits may  
(10)       be marked by the attorney presenting the exhibit to  
(11)       the witness, and that a copy of any exhibit  
(12)       presented to a witness shall be to or otherwise in  
(13)       possession of all counsel prior to any questioning  
(14)       of a witness regarding the  
(15)       exhibit in question. All parties shall bear  
(16)       their own costs in the conduct of this deposition  
(17)       by videoconference, notwithstanding the  
(18)       obligation by C.P.L.R. to supply a copy of the  
(19)       transcript to the deposed party by the taking party  
(20)       in civil litigation matters.

(21)  
(22)                       \*                       \*                       \*

(23)  
(24)  
(25)

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(1) K. HODJIMAMETOV

(2) M U H I T D I N A H U N H O D J A E V, a Uzbek  
(3) interpreter, solemnly swore to translate the  
(4) following questions from English to Uzbek and  
(5) answers from Uzbek to English:

(6)

(7) K H U S E N N O S I R O V I C H

(8) H O D J I M A M E T O V, called as a witness,  
(9) having been first duly sworn, through an  
(10) interpreter, by a Notary Public of the State of New  
(11) York, was examined and testified through the  
(12) interpreter as follows:

(13)

(14) EXAMINATION BY

(15) JOSEPH REDD, ESQ.:

(16) Q. Please state your name for the record.

(17) **A. Khusen Nosirovich Hodjimametov.**

(18) Q. Please state your address for the record.

(19) **A. 6309 108th Street, Apartment 4E, Forest**  
(20) **Hills, New York 11375.**

(21) Q. Khusen, my name is Joseph Redd. I'm an  
(22) attorney with the law firm of O'Connor Redd  
(23) Orlando. I represent defendants, Prokraft Inc. and  
(24) Pro-Cut in this litigation brought by Mr. Khusenov.  
(25) I'll be asking you a series of questions today

(1) K. HODJIMAMETOV  
(2) regarding an accident which occurred on May 29th,  
(3) 2021. As you can see, we're utilizing the services  
(4) of an interpreter today. You may understand some  
(5) of my questions as I give them in English but I'm  
(6) going to ask that you wait for the interpreter to  
(7) give the full interpretation of the question before  
(8) you answer.

(9) Is that okay?

(10) **A. Yes, I will try.**

(11) Q. It's very important that when you answer  
(12) the questions you do so verbally. We can't take  
(13) down a nod of the head.

(14) Okay?

(15) **A. Okay.**

(16) Q. If you do not understand any question that  
(17) I'm asking you, please let me know and I'm happy to  
(18) rephrase the question for you.

(19) Okay?

(20) **A. If I don't know something, can I say I**  
(21) **don't know?**

(22) Q. Fair enough. We don't want you to guess.  
(23) We don't want you to speculate. If you can  
(24) approximate for us, that'll be okay. You can  
(25) tell us this is an approximation but we don't need



(1) K. HODJIMAMETOV

(2) you guessing. We don't want you to speculate on  
(3) things that you do not know.

(4) Okay?

(5) **A. Okay.**

(6) Q. Before coming here today, did you review  
(7) any materials to help yourself to prepare you for  
(8) this deposition today?

(9) **A. No.**

(10) Q. Beside any conversations you might have  
(11) had with your attorney, did you have any  
(12) conversations with anybody from the Halal Market  
(13) regarding your testimony that you're giving to us  
(14) here today?

(15) **A. No, I didn't see anybody and I didn't talk**  
(16) **to anybody because I'm on a sick leave.**

(17) Q. Since the accident occurred, have you had  
(18) any conversations with the injured person, Mr.  
(19) Khusenov?

(20) **A. With who?**

(21) Q. The plaintiff, Mr. Isojon Khusenov, the  
(22) injured person.

(23) **A. It has been a long time. If I'm not**  
(24) **mistaken, it was over two months ago when I talked**  
(25) **to him last time.**

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(1) **K. HODJIMAMETOV**

(2) Q. Can you tell us what brought on that  
(3) conversation? Did you call him; did he call you or  
(4) something else?

(5) A. None of us called each other. I fell down  
(6) and I was hospitalized and I was in a hospital and  
(7) he came to see me as a sick person, visit to a sick  
(8) person.

(9) Q. During that conversation with him, did you  
(10) talk about his accident and this litigation more  
(11) specifically?

(12) A. No, we didn't talk about anything about  
(13) what happened at work.

(14) Q. Since the accident occurred, how many  
(15) times would you say you have spoken to him since  
(16) the accident up until today? We have this one  
(17) conversation you had with him. Any other  
(18) conversations either in person or on the phone?

(19) A. I remember only this time when I talked to  
(20) him and he came to visit but I also, I think, one  
(21) or two times when I was talking to his brother he  
(22) might have got on the phone. We just said hello  
(23) and ask how we are. We did greetings.

(24) Q. Let me jump into some general background  
(25) area. We might revisit your relationships with the

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(1) K. HODJIMAMETOV

(2) familiar in a moment.

(3) Sir, can you tell us where you were born?

(4) **A. I was born in Samarkand.**

(5) Q. What is your date of birth?

(6) **A. 1978.**

(7) **MR. EVANS: Donna, just put the year on**  
(8) **the record, please.**

(9) Q. Sir, can you tell us when you came to the  
(10) United States to reside here on a permanent basis?

(11) **A. About six years ago I came here with a**  
(12) **green card.**

(13) Q. What is your current immigration status?

(14) **MR. EVANS: Just note my objection. It's**  
(15) **not relevant for this witness. He's not**  
(16) **a plaintiff. He's only a defendant. It's**  
(17) **not relevant to the facts at hand in this**  
(18) **case.**

(19) **MR. REDD: Strike the question. We'll**  
(20) **move on.**

(21) Q. Sir, can you please tell us the extent of  
(22) your education?

(23) **A. About my education I can say it's pretty**  
(24) **low. I didn't study much.**

(25) Q. Do you have any degrees, a high school

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(1) K. HODJIMAMETOV

(2) degree, a GED, any degree regarding your academics?

(3) **A. I finished high school.**

(4) Q. Have you ever attended any trade school?

(5) **A. I studied in a private setting.**

(6) Q. What did you study?

(7) **A. I did the woodwork.**

(8) Q. Before leaving Uzbekistan, what kind of  
(9) employment did you have?

(10) **A. Before I came to America from Uzbekistan?**

(11) Q. Correct.

(12) **A. I worked in Russia as a butcher.**

(13) Q. For how many years did you work as a  
(14) butcher in Russia?

(15) **A. I can say about ten years. I used to come**  
(16) **and go. Used to come and go and work there.**

(17) Q. When you came to the United States,  
(18) approximately, six years ago, did you get a job?

(19) **A. I worked at the 108 three or four months.**

(20) Q. Is that the Halal Market?

(21) **A. No, it is a grocery store. I worked there**  
(22) **for four months and then I got a job at the Halal**  
(23) **Market.**

(24) Q. Jumping back to when you worked as a  
(25) butcher in Russia, before you started working as a

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(1) K. HODJIMAMETOV

(2) butcher in Russia, did you have to attend any  
(3) schools to learn to be a butcher, any trade schools  
(4) of some sort?

(5) A. No, I didn't study.

(6) Q. Did you receive any kind of training or  
(7) were you mentored by somebody more senior than  
(8) yourself or something else?

(9) A. Yes, at that butcher place I worked for  
(10) about a year as an assistant and I carried stuff  
(11) and then I learned from that.

(12) Q. Was there any formal training in Russia  
(13) regarding the safe use of machinery?

(14) A. I saw. I worked there. I saw it and I  
(15) learned.

(16) Q. Can you tell us what kind of machines did  
(17) you use for that business while you were in Russia?

(18) MR. EVANS: He was talking before you  
(19) finished asking the question, Joe.

(20) MR. REDD: What did he say? I couldn't  
(21) hear. Do you want ask him what he wanted  
(22) to say?

(23) A. I didn't get that formal training. I just  
(24) saw how it was done and I learned from it.

(25) Q. Could you tell us what kind of machines

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(1) K. HODJIMAMETOV

(2) you were using when you were training to be a  
(3) butcher in Russia?

(4) **A. There were no equipments. There was only**  
(5) **meat grinder and there's an axe.**

(6) Q. Do you recall the names of the  
(7) manufacturer of the grinder machines you used while  
(8) you worked in Russia?

(9) **A. No.**

(10) Q. Let's jump to the United States now.

(11) The first market -- the first job you  
(12) worked in the market what title did you have when  
(13) you worked at that job? We're talking about the  
(14) first job you had after you came to the United  
(15) States.

(16) **THE INTERPRETER: The grocery store or**  
(17) **Halal Market?**

(18) **MR. REDD: The grocery store or whatever**  
(19) **you want to call it.**

(20) **A. I did carrying stuff. I was an assistant.**

(21) Q. Did you do any butcher work at that first  
(22) job?

(23) **A. No, it was just a supermarket and they**  
(24) **didn't sell meat.**

(25) Q. That first job you had that you worked at,

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(1) K. HODJIMAMETOV

(2) approximately, I think you said three months?

(3) A. I don't remember for sure. Three, four,  
(4) maybe five.

(5) Q. That's an approximation, correct?

(6) A. It can be four or five.

(7) Q. After that job, your next job was with  
(8) who?

(9) A. I started working at the Halal store.

(10) Q. What was the name of your employer?

(11) A. I don't know what company it was at the  
(12) Halal store and the manager's name was Shoxruh.

(13) Q. When you received a paycheck from that  
(14) job, was there a name of a company that was issuing  
(15) the check to you?

(16) A. I don't remember. I didn't pay much  
(17) attention. I don't remember.

(18) Q. Have you heard of a company called  
(19) Karzinka US Inc.?

(20) A. The supermarket's name was Karzinka.

(21) Q. In any case, how did you find out about  
(22) that job? Was it through word of mouth, a friend,  
(23) an ad in the paper or something else?

(24) A. I just went there shopping and then I  
(25) asked them if they have vacancy and they said they

(1) **K. HODJIMAMETOV**

(2) **would call me if or when they had vacancy and they**  
(3) **called.**

(4) Q. When you say you asked them for a job, did  
(5) you tell them what kind of job you were looking  
(6) for?

(7) **A. Yes. I told them that I had done butcher**  
(8) **job in the past.**

(9) Q. After making that first inquiry about the  
(10) job, did there come a point in time when they  
(11) called you back saying they had an opening for you?

(12) **A. No, they didn't call but I used to**  
(13) **periodically go and check and then there was job.**

(14) Q. Did you have to speak to somebody face to  
(15) face in person to talk about the job, the job  
(16) requirements and what your qualifications were for  
(17) that job?

(18) **A. There was a guy who was working there and**  
(19) **I worked there for a week and then that manager**  
(20) **came and he saw me and then he hired me.**

(21) Q. The first person you spoke to before you  
(22) worked that first week what was that person's name?

(23) **A. Do you mean the person who hired me?**

(24) Q. Let's talk about the person who hired you,  
(25) okay.



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(1) K. HODJIMAMETOV

(2) What was that person's name?

(3) **A. Shoxruh, the same person.**

(4) Q. Before he hired you, did you sit down with  
(5) him and have a discussion with him about what the  
(6) job entailed and what your qualifications were for  
(7) the job?

(8) **A. We talked about butchery. We talked.**

(9) Q. Did he ask you about your experience as a  
(10) butcher before he hired you?

(11) **A. Yes, he asked.**

(12) Q. When he asked you about your experience,  
(13) what did you tell him?

(14) **A. I told him that I worked in Russia. That**  
(15) **is it.**

(16) Q. Did he ask you any questions about the  
(17) types of machines or equipment you used as a  
(18) butcher when you worked as a butcher in Russia?

(19) **A. No, he didn't ask me.**

(20) Q. In this conversation you had with him,  
(21) that interview you had with him, did you ask him  
(22) how many hours you would have to work per week,  
(23) what your hours would be, what the pay would be?

(24) **A. Yes, we talked.**

(25) Q. What did he tell you in those regards?

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(2) A. He said that I would work six days a week  
(3) and I used to work ten hours.

(4) Q. Per day?

(5) A. Yes. It depends on the work. Sometimes  
(6) ten. Sometimes more. If there was more work, I  
(7) could work longer.

(8) Q. Was there any discussion about the rate of  
(9) pay? Were you an hourly employee; were you a  
(10) salaried employee or something else?

(11) A. At the beginning it was per week and then  
(12) later after I worked certain times then it turned  
(13) into hourly.

(14) Q. Can you approximate for us when you first  
(15) started working at the Halal Market?

(16) A. I got the job after I came. So, it's  
(17) about maybe around five years.

(18) Q. Before you actually started working there,  
(19) was it explained to you what your duties and  
(20) responsibilities would be as an employee at the  
(21) Halal Market?

(22) A. They didn't have to explain.

(23) Q. Well, what was your understanding as to  
(24) what you would be doing once you were hired?

(25) A. They were different kinds of things. At

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(1) **K. HODJIMAMETOV**

(2) **the beginning, I was as an assistant. So, I saw**  
(3) **how things were done and then slowly, slowly I**  
(4) **started cutting the meat, chicken myself after two**  
(5) **months or so.**

(6) Q. Was there anybody in particular at the  
(7) market who trained you once you were first  
(8) employed?

(9) A. Yes, there was a butcher guy and he told  
(10) me how to do, what to do.

(11) Q. What is the name of the butcher guy?

(12) A. I think his name was Ikrom. It was long  
(13) time ago and after I got the job he left. I don't  
(14) know if he left back to Uzbekistan but he left.

(15) Q. Was there anybody besides Ikrom who helped  
(16) train in your job as a butcher at the market?

(17) A. Yes, there was a guy. His name is  
(18) Jamshid. He was there but he is gone, too.

(19) Q. Anybody else besides these two gentleman  
(20) that you just mentioned who helped train you at  
(21) your job as a butcher at the market?

(22) A. No, just them.

(23) Q. When you were first employed by the  
(24) market, did they have any machines, cutting  
(25) machines, saw machines, grinding machines of any

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(1) K. HODJIMAMETOV

(2) kind?

(3) **A. There was one meat grinder and one saw.**

(4) Q. Can you describe for us the meat grinder  
(5) that was in the market when you first started  
(6) working there?

(7) **A. There were two or three meat grinders that**  
(8) **were replaced or exchanged. There was a big one.**  
(9) **There was a smaller one.**

(10) Q. The machine that was involved in the  
(11) subject accident was it on location at the market  
(12) when you were first employed by the market or did  
(13) it come on the scene later on?

(14) **A. I don't remember. I don't want to be a**  
(15) **liar. I don't know. There are two meat grinders**  
(16) **right now there but the meat grinder was kind of**  
(17) **old, older meat grinder.**

(18) Q. Now, we're using the term grinder.

(19) For a person who's a non-butcher, can you  
(20) tell us what a grinder is?

(21) **A. It is the grinder that makes the grind**  
(22) **meat.**

(23) Q. It grinds the meat?

(24) **A. Yes.**

(25) Q. So, pieces of meat are taken and they're

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(1) K. HODJIMAMETOV

(2) placed where in a grinder; how does it work?

(3) **A. There's a cutting board and you cut the**  
(4) **meat over there on top of it and then you slide it**  
(5) **into the meat grinder and it grinds the meat.**

(6) Q. Does the first grinder you worked with  
(7) when you got there would the meat be put into some  
(8) kind of hole where it gets ground up and pushed out  
(9) of the machine?

(10) **A. Yes.**

(11) Q. The first grinding machines that you  
(12) encountered when you were first employed at the  
(13) market, approximately, five years ago, did those  
(14) grinders have any kind of a safety guard on them?

(15) **A. The meat grinders we use they are all the**  
(16) **same kind of shape. The only difference is one is**  
(17) **bigger. The other was smaller and has a hole on**  
(18) **top.**

(19) Q. Regardless of the size whether they're big  
(20) or small they all had a hole, correct, where the  
(21) meat would be pushed in?

(22) **A. Yes, it is a small hole like that.**

(23) Q. In the first grinders you worked with when  
(24) you were first employed there five years ago,  
(25) whether it was the big one or the small one, the

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(1) K. HODJIMAMETOV

(2) hole that you're talking about was it protected  
(3) with some sort of a guard?

(4) **A. Yes, it had it. Yes, it was a smaller**  
(5) **meat grinder and it had the safety.**

(6) Q. Can you describe for us the safety that  
(7) was on the small grinder?

(8) **A. There is a cover on top of the meat**  
(9) **grinder and it has holes and then you have to push**  
(10) **the meat with something.**

(11) Q. Was it your understanding when you first  
(12) started working there that that cover was in place  
(13) over that hole to prevent a person from getting  
(14) their hand stuck in the hole or caught in the hole?

(15) **A. Yes, you can say that.**

(16) Q. On top of the guard that was over the hole  
(17) on those grinders, there were holes where you could  
(18) push a plunger down to push the meat down in the  
(19) hole, was that your experience?

(20) **A. Yes. It had a small hole, yes.**

(21) Q. Before you were permitted to first work on  
(22) those grinders when you were first employed by the  
(23) company, was the importance of the guard explained  
(24) to you by the person who was training you?

(25) **A. No. They didn't explain but they said**

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(2) **that be careful when you were using that. What**  
(3) **else would they say?**

(4) Q. Well, did they tell you when you first  
(5) started working at the market using those grinders  
(6) that you were always supposed to make sure the  
(7) guards were in place when you were using or  
(8) operating the grinder or grinders?

(9) **MR. ZOHAR: I'm going to put a standing**  
(10) **objection on some of these questions but**  
(11) **go ahead.**

(12) **A. No.**

(13) Q. When you first started using the grinder,  
(14) was there somebody who was with you to make sure  
(15) you were doing it correctly?

(16) **A. Yes, the previous butcher was there.**

(17) Q. Did the previous butcher tell you that at  
(18) all times while using the grinder the guard should  
(19) remain in place?

(20) **A. Yes.**

(21) Q. After you started working at the market,  
(22) did your duties and responsibilities change over  
(23) time?

(24) **A. Yes. For example, after a month, I**  
(25) **started using the meat grinder and after another**

(1) **K. HODJIMAMETOV**

(2) **month I started using the saw. So, I became**  
(3) **working as a butcher.**

(4) Q. When you were given those additional  
(5) responsibilities, can you tell us who gave you  
(6) those responsibilities; who promoted you?

(7) **A. The butcher gave them.**

(8) Q. Which butcher was that?

(9) **A. Brother Ikrom taught me slowly and I**  
(10) **learned and then after a while we started working**  
(11) **together.**

(12) **THE INTERPRETER: For clarification,**  
(13) **brother doesn't mean blood related. It**  
(14) **means with respect to older person.**

(15) Q. Besides any instructions that were given  
(16) to you regarding the guard and the need to have the  
(17) guard in place while using the machine, were you  
(18) given any other safety instructions regarding the  
(19) use of any grinders at the market?

(20) **A. He told me to be careful when I am working**  
(21) **with the saw.**

(22) Q. Before you would start a shift and before  
(23) you started using any grinders on any given day,  
(24) was there any protocol in place to make sure that  
(25) the machine was properly operating before you



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(2) started using it to grind meat, an inspection of  
(3) sorts?

(4) **A. No.**

(5) Q. Besides using the grinders, did you have  
(6) any responsibility for keeping the grinders clean?

(7) **A. Yes, we had to wash the grinders and clean**  
(8) **them.**

(9) Q. The machine that was involved in the  
(10) accident -- strike that. Were you present on site  
(11) when the accident occurred?

(12) **A. Yes.**

(13) Q. And the accident involved which  
(14) individual; what was the person's name who was  
(15) involved in the accident?

(16) **A. Isau (phonetic).**

(17) Q. For how long had he work at the market  
(18) before the accident?

(19) **A. I do not know. To tell you the truth, I**  
(20) **don't know. I don't remember for sure but maybe a**  
(21) **year and a half or two.**

(22) Q. That's an approximation, correct?

(23) **A. Yes, sir.**

(24) **(At this time a short break was taken.)**

(25) Q. When the plaintiff, Isojon, when he was

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(2) hired, did he interview with anybody at the Halal  
(3) Market before he was hired?

(4) **A. I don't know to be honest.**

(5) Q. Did you have anything to do with his  
(6) hiring? Did you interview him; were you involved  
(7) in that process?

(8) **A. The manager hired him but we agreed with**  
(9) **each other and stuff like that but the manager**  
(10) **hired him.**

(11) Q. What was the manager's name?

(12) **A. Bakhti.**

(13) Q. Do you know when he was first hired to  
(14) work at the market, approximately?

(15) **A. I don't know. I don't remember what month**  
(16) **it was.**

(17) Q. Do you know what year it was?

(18) **A. Maybe 2020. Now it's 2022. If two years**  
(19) **passed, maybe it was 2020.**

(20) Q. Do you know what his qualifications were  
(21) at the time he was hired?

(22) **A. Regarding the work do you mean?**

(23) Q. Correct.

(24) **A. He's an assistant. He started as a helper**  
(25) **and/or assistant and then slowly he started working**

(1) **K. HODJIMAMETOV**

(2) **with the chicken and the grinder and after two**  
(3) **months or so he started working full capacity.**

(4) Q. You're talking about a butcher's  
(5) assistant, correct?

(6) **A. Yes.**

(7) Q. When he came to work at the market, do you  
(8) know if he came to the market with any prior  
(9) experience working as a butcher?

(10) **A. I do not know that.**

(11) Q. When he started to work at the market, was  
(12) there any formal training that he underwent before  
(13) he was allowed to work on any of the machines?

(14) **A. There is no such thing like a formal**  
(15) **training. A person sees and then learns. It's an**  
(16) **ongoing process. The person sees and learns.**

(17) Q. Was there any particular person or persons  
(18) who were responsible for training him on how to use  
(19) the machines and more specifically the grinders at  
(20) the market?

(21) **A. No, there is no such thing like one person**  
(22) **would train a person. We all did. We would give**  
(23) **him work, for example, do this and do that and then**  
(24) **all the butchers would teach him piece by piece.**

(25) Q. Were you one of those persons?

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(2) **A. Yes, I taught him, too.**

(3) Q. For how long was he watching other people  
(4) do work and more specifically work with these  
(5) grinders before he himself was allowed to work the  
(6) grinders?

(7) **A. Two, three months. If a person comes as**  
(8) **an assistant, you see how that person works and**  
(9) **what that person is capable of and then you slowly**  
(10) **give that person to cut the meat then use the**  
(11) **grinder slowly and then when the time comes then**  
(12) **let him use the saw.**

(13) Q. When he first started working at the  
(14) market, can you tell us specifically what pieces of  
(15) equipment were located in the market for processing  
(16) meat?

(17) **A. The grinder, a saw and the machine that**  
(18) **wraps the meat.**

(19) Q. The grinder that you mentioned is that the  
(20) grinder that was later on involved in the accident?

(21) **A. Yes.**

(22) Q. When he first came onto the job as an  
(23) assistant, can you tell us, could you describe for  
(24) us that grinder at the time when he first started  
(25) working at the market?

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(2) A. What person you mean?

(3) Q. The plaintiff. The injured person when he  
(4) first started working at the market I want you to  
(5) describe for us the grinder that was involved in  
(6) the accident as it appeared when he first started  
(7) working there.

(8) A. It was a big grinder and it had small  
(9) holes on top.

(10) Q. I'm going to call it the big grinder,  
(11) okay.

(12) The big grinder can you describe it for  
(13) us, it's components at the time that he, the  
(14) plaintiff, was allowed to first use it.

(15) A. It is a big grinder and the engine part is  
(16) big and then the part where the grind meat comes  
(17) out it is as big.

(18) THE INTERPRETER: The witness showed the  
(19) size of a like linking his big finger and  
(20) index finger connected like around.

(21) MR. REDD: Ms. Reporter, I sent over to  
(22) you a disclosure, a Rule 26 disclosure  
(23) with a number of photographs. Can you  
(24) pull that up, please?

(25) (At this time a short break was taken.)

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(2) **(Whereupon, the aforementioned Photograph**  
(3) **was marked as Defendant's Exhibits E for**  
(4) **identification as of this date by the**  
(5) **Reporter.)**

(6) Q. Sir, I'm going to ask you to take a look  
(7) at what was marked as Defendant's E.

(8) Do you see it?

(9) **A. Yes.**

(10) Q. Can you tell us what's shown in this  
(11) photograph?

(12) **A. I see the protection part and then I see**  
(13) **the stick.**

(14) Q. Is that a picture of the grinder that is  
(15) currently within the market?

(16) **A. Probably. I haven't been there for five**  
(17) **months.**

(18) Q. Before you had your accident when you were  
(19) at work, the grinder that we see in this photograph  
(20) does that appear to be the grinder that was present  
(21) in the Halal Market when you last worked at the  
(22) market?

(23) **A. Yes, I think this one.**

(24) Q. When we look at that photograph, more  
(25) specifically the grinder in this photograph, this

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(2) location is it taken actually within the market  
(3) itself?

(4) **A. Yes.**

(5) Q. Is that grinder as seen in the photograph  
(6) located behind the display case?

(7) **A. Yes.**

(8) Q. At the time of the accident, was there a  
(9) grinder located in the same position as the grinder  
(10) we see in this photograph?

(11) **A. Yes, it was there.**

(12) Q. Now, looking at the photograph, I want you  
(13) to explain for us some of the components of that  
(14) grinder as we see it in this particular photograph.  
(15) More specifically, I'm going to direct your  
(16) attention to the top of the grinder. There appears  
(17) to be a pan.

(18) Do you see that?

(19) **A. Yes.**

(20) Q. That's the pan where you place the meat  
(21) that needs to be ground, correct?

(22) **A. Yes.**

(23) Q. And this photograph shows a work station  
(24) at the market, again, behind the display area,  
(25) correct?

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(2) A. Yes. The work is done on that table.

(3) Q. This work station was it configured  
(4) roughly the same way on the day of the accident?

(5) A. Yes, it is exactly like it was before.  
(6) The meat is down on the table and then the grinder  
(7) is over there.

(8) Q. If we walk through this, there is a white  
(9) table in the right lower corner, correct?

(10) A. Yes.

(11) Q. Meat would be on that table and meat would  
(12) be placed on the pan on top of the grinder,  
(13) correct?

(14) A. Yes.

(15) Q. Now, in the photograph itself, we see what  
(16) appears to be a white object in the pan, correct?

(17) A. Yes, the pusher.

(18) Q. That's used to push meat, correct?

(19) A. Yes.

(20) Q. Now, directly to the left of that white  
(21) pusher there appears to be some sort of a guard.

(22) Do you see that?

(23) A. Yes.

(24) Q. That's a safety guard, correct?

(25) A. Yes.



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(2) Q. What is underneath that safety guard?

(3) **A. There is a hole.**

(4) Q. There's a hole?

(5) **A. Yes, there is a hole and then it goes down**  
(6) **through the hole.**

(7) Q. In that hole, is there some sort of a  
(8) auger or a grinder?

(9) **A. Yes.**

(10) Q. So, for the operator to use this machine  
(11) at this work station, where would the operator have  
(12) to place himself in order to perform the task at  
(13) hand?

(14) **A. He has to stay next to the table since**  
(15) **this space is very small and that's why the person**  
(16) **stays a little bit behind the grinder.**

(17) Q. So, if the person stands in that position,  
(18) that would be roughly in the space at the bottom of  
(19) the photograph, the center of the photograph;  
(20) that's where the person would stand, correct?

(21) **A. Yes, correct and then since the space was**  
(22) **a little bit small that's why the grinder was**  
(23) **installed there.**

(24) Q. Now, the machine we see in the photograph  
(25) is not the exact machine that was used on the day

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(2) of the accident, correct?

(3) **MR. EVANS: Note my objection.**

(4) Q. Is the machine that we see in this  
(5) photograph the same color and size and  
(6) configuration as the machine that was present on  
(7) the day of the accident?

(8) **A. As I see it, it can be a little bit**  
(9) **smaller. It can be a little bit bigger.**

(10) Q. But in terms of the component parts and  
(11) how the parts are -- strike that. The machine that  
(12) we're looking at here in the photograph it has a  
(13) guard in the pan, correct?

(14) **A. Yes.**

(15) Q. And the idea on using this particular  
(16) grinder would be to take the meat from the white  
(17) table, place it in the pan and then move it towards  
(18) the guard and to push the meat and -- strike that.  
(19) Once the meat is in the pan, what's the operator  
(20) supposed to do with it next?

(21) **A. That person has to be very attentive.**  
(22) **Both eyes have to be on that particular place.**

(23) Q. Once the meat is pushed from the pan under  
(24) the guard, is that white pusher used to push the  
(25) meat down into the hole?

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(2) **A. Yes.**

(3) Q. Then the meat goes down into the machine  
(4) and it comes out where?

(5) **A. It comes out from that mouth.**

(6) Q. Now, on the day of the accident, did the  
(7) grinder that was being used by the plaintiff did it  
(8) have a guard in place?

(9) **A. No, it wasn't there.**

(10) Q. When you first started -- strike that.  
(11) When the plaintiff, the injured person, first  
(12) started working at the market, was the machine that  
(13) was involved in the accident was it in the market?

(14) **A. There was a grinder there.**

(15) Q. When the plaintiff first started working  
(16) at the market, the grinder, the one that was  
(17) involved in the accident when the plaintiff first  
(18) started using that grinder at the market, did it  
(19) have a guard in place over the hole?

(20) **A. I don't remember for sure if it was taken**  
(21) **out or not. I can't remember.**

(22) Q. At some point in time, the machine that  
(23) was used that was involved in the accident at any  
(24) point in time while in use at the market by anybody  
(25) did it ever have a guard over the hole?

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(2) A. No, it was taken out.

(3) Q. Now, you were involved in the training of  
(4) the plaintiff, correct?

(5) A. Yes, yes.

(6) Q. Did you specifically ever train the  
(7) plaintiff on how to use the grinder in question?

(8) A. Yes, I did. I told him the safety guard  
(9) was not there but there were two pushers there and  
(10) I told him to be very careful when he was doing  
(11) grinding the meat. There were two pushers there in  
(12) order to make sure that the meat is tight in there.

(13) Q. Just so I'm clear, did you say that when  
(14) you trained the plaintiff on the use of the subject  
(15) grinder it did not have a guard on it at that  
(16) moment in time; is that your testimony?

(17) A. When he came to work you mean?

(18) Q. Correct. When he first came to work and  
(19) you trained him initially, at that moment in time,  
(20) was there a guard over that hole on the subject  
(21) grinder, yes or no?

(22) A. I think it was there but I can't tell for  
(23) sure. There were two meat grinders there and if  
(24) one gets rough we would have to replace them and  
(25) one had it and the other one didn't have it. The

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(2) **equipment would get not sharp. If one got dull,**  
(3) **not sharp, then we would have to replace it. We**  
(4) **would exchange it.**

(5) Q. But in the work station in the one we're  
(6) looking at in this photograph right here was that  
(7) the big grinder work station?

(8) A. In the picture, it is shown differently.  
(9) One of them was bigger. The other one was smaller.  
(10) It looks like -- I'm guessing this it looks like  
(11) this one was the smaller one.

(12) Q. The grinder that was involved in the  
(13) accident was that a big grinder or a small grinder  
(14) or something else?

(15) **THE INTERPRETER: Can you repeat that?**

(16) Q. The grinder that was involved in the  
(17) accident was that a big grinder as you described it  
(18) or a small grinder or something else?

(19) A. It was a big one.

(20) Q. So, with that big grinder you trained the  
(21) plaintiff on the use of that big grinder, is that a  
(22) fair statement?

(23) A. We taught him using the small one and the  
(24) big one.

(25) Q. When you first trained the plaintiff on

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(2) the use of this big grinder, the one that was  
(3) involved in the accident, did it have a guard on it  
(4) when he was trained?

(5) A. It's very hard to say if it was there or  
(6) not there. It's very hard to say. I would say I  
(7) don't remember. It was almost two years ago.

(8) Q. The machine that was involved in the  
(9) accident do you know when this was purchased?

(10) A. I don't remember. I don't know.

(11) Q. If I was to say January of 2020, would  
(12) that refresh your recollection as to when the  
(13) subject machine was purchased?

(14) A. We don't pay attention to those kind of  
(15) things. The manager knows it but I don't know  
(16) when.

(17) Q. I don't want you to guess but can you  
(18) approximate for us was it around January of 2020  
(19) when the subject machine was first purchased, give  
(20) or take six months if you don't know exactly?

(21) A. It may be. It may be.

(22) Q. Do you know who ordered the machine?

(23) A. We don't get involved in everything.  
(24) Probably the manager did and we don't know a lot of  
(25) things. We are just workers.

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(2) Q. Did that machine, the one that was  
(3) purchased, the one that was involved in the  
(4) accident, did it replace another machine that was  
(5) taken out of service or something else?

(6) **A. It was placed at the place where we see it**  
(7) **in the pictures.**

(8) Q. But my question though is when the machine  
(9) was purchased was it purchased because it was  
(10) replacing another machine that had worn out or  
(11) broke or something else?

(12) **A. It was purchased as an extra if the**  
(13) **grinding teeth were dull. So, we would have to**  
(14) **exchange it while we were sharpening the other one**  
(15) **and we would use it.**

(16) Q. At the time this machine came into the  
(17) market, at that point in time, were you the lead or  
(18) the head butcher?

(19) **A. Yes, I'm the oldest.**

(20) Q. The machine that it replaced was it a  
(21) similar machine in terms of its configuration in  
(22) terms of how it operated meaning specifically with  
(23) the pan, a grinder?

(24) **A. The tray was little bit bigger.**

(25) Q. The machine that was replaced did it also

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(2) have a hole like we talked about where the meat  
(3) went?

(4) A. Yes, everything was the same. One is a  
(5) little bit smaller and one is a little bit bigger.

(6) Q. The machine that was replaced did it have  
(7) a guard over the hole?

(8) A. It had the hole on it. It was little bit  
(9) smaller.

(10) Q. But the hole on the machine it replaced  
(11) had a guard over it, correct?

(12) A. Yes.

(13) Q. Nobody removed the guard, correct?

(14) A. In the old grinder?

(15) Q. Correct.

(16) MR. ZOHAR: Note my objection.

(17) A. Yes, it had it.

(18) Q. Now, when the new machine came in, the one  
(19) that was involved in the accident, were you working  
(20) when the machine arrived?

(21) A. Yes.

(22) Q. When it arrived, did it arrive in a box?  
(23) Describe for us how it appeared when it first  
(24) arrived at the market.

(25) A. Yes, it came in a box.



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(2) Q. Were you involved in the unpacking process  
(3) when it came in?

(4) **A. Yes, we were together.**

(5) Q. Did the machine have to be set up and put  
(6) into a position?

(7) **A. Yes, we put it at that place.**

(8) Q. Did you put it in the work station that we  
(9) see on the photograph that has been marked before  
(10) you?

(11) **A. Yes, yes.**

(12) Q. When the machine was unpacked, was it all  
(13) intact or did you have to put it together or  
(14) something else?

(15) **A. It was all together but the walls and**  
(16) **small things they were separate.**

(17) Q. When the machine came out of the box, was  
(18) the pan attached to anything?

(19) **A. No, the sheet came separately.**

(20) Q. When the grinder was unpacked, did it come  
(21) with any papers, invoices, purchase orders, any  
(22) writings whatsoever?

(23) **A. It is not our problem. Maybe the**  
(24) **management saw them. We didn't look at those kind**  
(25) **of things.**

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(1) **K. HODJIMAMETOV**

(2) Q. What I'm asking you though is whether you  
(3) looked at papers or not when you unpacked this  
(4) machine, from its box there were any papers inside  
(5) the box, taped papers on top of the box, any papers  
(6) whatsoever when it first came in?

(7) A. To be honest with you, I didn't pay too  
(8) much attention because I had a lot of work to do.

(9) Q. Who was unpacking; who unpacked it?

(10) A. It came in the evening and we opened it in  
(11) the morning. It came in the box and the guys and  
(12) we all opened it together.

(13) Q. What I'm getting at is when it was opened  
(14) if there was any papers that came with it did  
(15) someone say here put it aside, here give it to the  
(16) manager, here give it to the owner; what, if  
(17) anything happened to any papers that might have  
(18) come in this box with that machine?

(19) MR. ZOHAR: Note my objection.

(20) A. I think the papers was supposed to be with  
(21) the manager or they were supposed to given to the  
(22) manager.

(23) Q. Do you know who gave it to the manager?

(24) MR. ZOHAR: Objection to the question.

(25) A. Maybe Bakhti did. Maybe he separated it

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(2) **for the manager, maybe.**

(3) Q. Sir, do you understand English?

(4) **A. No.**

(5) Q. Do you ever converse or try to converse  
(6) with anybody in English?

(7) **A. Yes, I speak just one of few, not much.**

(8) Q. Can you read English?

(9) **A. No, I even don't know how to read the**  
(10) **newspaper.**

(11) Q. When you trained the plaintiff, what  
(12) language did you use?

(13) **A. In Uzbek.**

(14) Q. Is that his primary language as far as you  
(15) know?

(16) **A. Yes.**

(17) Q. When you spoke to him, did you have any  
(18) problems conversing with him?

(19) **A. No. What kind of problems?**

(20) Q. So, the machine comes in. Machine gets  
(21) unpacked. Machine gets placed in the work station  
(22) in the same area as we see in the photograph before  
(23) you.

(24) When the machine was placed into its  
(25) position in that work station, was the guard in

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(2) place?

(3) A. Yes, it was there.

(4) (Whereupon, the aforementioned Photograph  
(5) was marked as Defendant's Exhibit A for  
(6) identification as of this date by the  
(7) Reporter.)

(8) MR. REDD: Ms. Reporter, can we please go  
(9) to the exhibit marked as A.

(10) Q. Sir, I'm going to direct your attention to  
(11) the photograph before you which has been marked as  
(12) Defendant's A as of today's date.

(13) Do you see it?

(14) A. Yes.

(15) Q. What do you recognize that to be?

(16) A. Grinder.

(17) Q. Is that the guard?

(18) A. Yes.

(19) Q. That's the guard that sits in the pan,  
(20) correct?

(21) A. Correct.

(22) Q. And the guard is over the hole, correct?

(23) A. Yes.

(24) Q. The way that this is supposed to operate  
(25) one would take meat and then push it under the

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(1) K. HODJIMAMETOV

(2) guard, correct?

(3) **MR. ZOHAR: Note my objection.**

(4) **A. Yes.**

(5) Q. Once the operator was to push meat under  
(6) the guard, how would the meat then get into the  
(7) grinder?

(8) **A. Put it in a hole. Then you push it with**  
(9) **pusher. Then it grinds the meat and it comes out**  
(10) **from the other hole.**

(11) Q. That was the white pusher we saw in the  
(12) earlier photograph, correct?

(13) **A. That is correct.**

(14) Q. And the idea of that white pusher is you  
(15) could use the pusher to push the meat down into the  
(16) hole so you won't have to use your hand or your  
(17) fingers, correct?

(18) **A. Correct.**

(19) Q. When you trained the plaintiff when he  
(20) first started working there, whether it was on this  
(21) grinder or the other grinder, did you ever express  
(22) to him the importance of the guard and need to use  
(23) the pusher or the plunger; nobody told him you have  
(24) to put your hand in there?

(25) **A. We told him that you have to operate this**

(1) **K. HODJIMAMETOV**

(2) **machines with a big care. You have to be careful**  
(3) **when you operate it.**

(4) Q. Did you specifically tell him to use the  
(5) plunger or the pusher so he wouldn't get his hand  
(6) near the hole?

(7) **A. Yes.**

(8) Q. Did you express to him because it was a  
(9) safety concern?

(10) **A. Yes, yes.**

(11) Q. At any point in time prior to the day of  
(12) the accident, did you ever see the plaintiff  
(13) putting meat into the hole directly without using a  
(14) plunger or the push stick?

(15) **A. To be honest with you, we have a lot of**  
(16) **work and I didn't pay attention to it because I had**  
(17) **a lot of work.**

(18) Q. You were the lead butcher, correct, on the  
(19) day of the accident?

(20) **A. Yes, yes, you can say the lead butcher but**  
(21) **lead would be setting and ordering but we have to**  
(22) **work.**

(23) Q. On the day of the accident, the plaintiff  
(24) was he an assistant butcher, an apprentice butcher  
(25) or a full blown butcher; what exactly was his

(1) K. HODJIMAMETOV

(2) title?

(3) A. There is no such thing as any specific  
(4) title. The person comes. He learns the job and  
(5) then after two, three months he starts working like  
(6) everybody else. You're ask too many questions.

(7) Q. When he first comes on the job, he is  
(8) given instructions by you, correct?

(9) MR. EVANS: Note my objection to the form  
(10) of the question. I think his testimony  
(11) was, Joe, that he along with the others on  
(12) duty.

(13) A. I was not the only instructor there.  
(14) There were many other people. There were managers.

(15) Q. I understand that but you were certainly  
(16) one of those instructors, correct?

(17) A. Yes.

(18) Q. You would tell him as an instructor what  
(19) to do, correct?

(20) A. Yes.

(21) Q. And how to do it, correct?

(22) A. Yes, we taught him.

(23) Q. At some point in time, did the plaintiff  
(24) undergo some training on the use of these grinders?  
(25) At some point, did somebody have to say okay you're

(1) K. HODJIMAMETOV

(2) experienced enough now; you can now go use the  
(3) grinder? Did somebody have to tell him you now are  
(4) qualified to use the grinder?

(5) **A. Yes.**

(6) Q. He didn't know how to use the grinder on  
(7) his own. Somebody had to say okay you're qualified  
(8) now you can use the grinder, is that a fair  
(9) statement?

(10) **A. Yes, he learned. The manager saw how he**  
(11) **worked and I saw how he worked and there was all**  
(12) **the butcher like Brother Alisher. We all saw how**  
(13) **he was working and he learned how to work.**

(14) Q. On any given day when the plaintiff was  
(15) working someone had to give him instructions as to  
(16) what to do. I need you to stock a shelf. I need  
(17) you to clean the floor. I need you to use the  
(18) grinder. What person on the day-to-day basis was  
(19) giving the plaintiff instructions on what he should  
(20) be doing on any given day?

(21) **A. We all work there. Everything was done**  
(22) **independently and sometimes we all told him to do**  
(23) **this and do that. Manager would tell what to do or**  
(24) **we butchers would tell what to do. If the work had**  
(25) **to be done in the basement or if there was a load**



(1) **K. HODJIMAMETOV**

(2) **we would have to work together and individually.**

(3) Q. So, we were talking about other people  
(4) more experienced than Mr. Khusenov.

(5) Someone would tell him on any given day  
(6) what task he should be performing, correct?

(7) **MR. ZOHAR: Note my objection.**

(8) **A. Yes, we used to tell.**

(9) Q. And you were one of those persons,  
(10) correct?

(11) **A. That is correct. We would tell him and we**  
(12) **used to work together, too.**

(13) Q. Sir, do you see the guard that's shown in  
(14) that exhibit?

(15) **A. Yes.**

(16) Q. Is that the type of guard that was in  
(17) place over the hole on the subject machine that was  
(18) involved in the accident?

(19) **A. No, it didn't have it.**

(20) Q. I'm not talking about the day of the  
(21) accident. I'm talking about when the machine first  
(22) came into the shop. When the machine came into the  
(23) shop, it was placed on the work station at that  
(24) moment in time.

(25) When it was first used, was a guard in

(1) K. HODJIMAMETOV

(2) place?

(3) **A. Yes, it had it.**

(4) Q. The guard that was in place when the  
(5) machine was first put into position was it similar  
(6) in type to the guard we see depicted in the exhibit  
(7) before you, Exhibit A?

(8) **A. No, the holes were smaller and the disk**  
(9) **itself was located a little bit lower.**

(10) Q. You mean closer to the pan?

(11) **A. Yes, it was lower and closer to the pan.**

(12) Q. So, let's talk about the guard that was in  
(13) place on the machine when it was first placed into  
(14) the market.

(15) That guard can you tell us how that  
(16) particular guard was affixed to the grinding  
(17) machine?

(18) **A. It was installed in there but the disk was**  
(19) **little bit lower and the holes were smaller.**

(20) Q. I understand that.

(21) What I'm trying to get at or what I'm  
(22) trying to understand though is exactly how the  
(23) guard was affixed to or attached to the grinder  
(24) itself.

(25) Was it welded; was it bolted in; was it

(1) K. HODJIMAMETOV

(2) part of the pan, whatever you remember?

(3) **A. It was not weld but it was pinned.**

(4) Q. At any point in time when the machine was  
(5) set up in its position for work, did you ever take  
(6) your hand and place it upon the guard and like try  
(7) to wiggle it?

(8) **A. Yes, I shook it little bit and there was**  
(9) **some space in there.**

(10) Q. What do you mean space; what do you mean  
(11) there was space in there? I'm not understanding.

(12) **A. As you see from the pictures that space**  
(13) **between the guard and the sheet was smaller and**  
(14) **then the holes were smaller.**

(15) Q. Okay. So I'm clear on this, you're saying  
(16) basically the space between the pan and the guard  
(17) was narrower on the subject machine when compared  
(18) to the exhibit before you.

(19) Is that a fair statement?

(20) **A. Yes, it was narrower and then the holes**  
(21) **were smaller compared to the one in the picture.**

(22) Q. The holes you're talking about are the  
(23) plunger holes where you use the plunger in those  
(24) holes; those holes are smaller?

(25) **A. Yes, yes.**

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(1) **K. HODJIMAMETOV**

(2) Q. So I understand that but now I want to ask  
(3) you about I'm trying to figure out how the guard  
(4) was actually attached to the pan or grinding  
(5) machine itself?

(6) A. It was welded. Maybe it was not welded.  
(7) Maybe it was pinned. I don't know. I don't know  
(8) how to explain. As I see the picture, it was like  
(9) that.

(10) Q. So, what we see in the picture besides the  
(11) hole size and the fact it's narrower the gap there  
(12) is it otherwise the same as the one that was on the  
(13) subject machine?

(14) A. Yes, it was like this and I don't know if  
(15) it was welded or not welded. I'm not a specialist  
(16) in working with metal. I don't know.

(17) Q. Well, on the guard on the subject machine  
(18) there was no way to like there was no screws where  
(19) you can take a screwdriver and try to loosen it or  
(20) tighten it; there's no screws on this guard to  
(21) adjust it? Is that a fair statement?

(22) **MR. ZOHAR: Note my objection.**

(23) A. No. I don't think that it was connected  
(24) or fixed with screws.

(25) Q. But would it be fair to say the guard is

(1) K. HODJIMAMETOV

(2) permanently affixed to the grinder?

(3) **MR. ZOHAR: Note my objection.**

(4) **A. Yes.**

(5) Q. At any point in time before the guard --  
(6) strike that. At some point in time, was the guard  
(7) on the subject machine removed?

(8) **A. No, it was always there.**

(9) Q. Well, was the guard there on the day of  
(10) the accident?

(11) **MR. ZOHAR: Note my objection.**

(12) **A. No, it wasn't.**

(13) Q. So, can you tell us, please, when the  
(14) guard was removed relative to the accident date;  
(15) was it a week before the accident, a month before  
(16) the accident, a year before the accident, a month  
(17) after the machine got there? You can approximate  
(18) but don't guess, sir.

(19) **A. It was removed a long time ago. Maybe**  
(20) **nine months. Maybe a year or a year and a half**  
(21) **because the distance between the guard and the**  
(22) **sheet was very narrow and we were having a hard**  
(23) **time putting the meat in the hole. That is why we**  
(24) **took it away.**

(25) Q. Can you approximate for us the width of

(1) K. HODJIMAMETOV

(2) the gap between the guard and the pan, an inch, two  
(3) inches or centimeters, whatever measurement you  
(4) want to use? Whatever measurement you feel  
(5) comfortable with, sir.

(6) **A. I can't tell you anything now. I don't**  
(7) **remember.**

(8) Q. Before the meat is put into the pan it has  
(9) to be cut up first, correct?

(10) **A. There were three, four people working**  
(11) **there and then if we are very busy we don't have to**  
(12) **cut it into small pieces in order to put it in**  
(13) **there. The pieces can be a little bit bigger.**

(14) Q. Is it fair to say though that that white  
(15) table we saw that is to the right of the work  
(16) station that's where the meat gets cut up, correct?

(17) **A. Yes.**

(18) Q. Who determines how small the cuts are  
(19) going to be on the meat before it's placed into the  
(20) pan or the grinder?

(21) **A. Nobody makes any decisions about it.**

(22) Q. Is it fair to say though that when the  
(23) meat is cut up and prepared to put into the grinder  
(24) it needs to be the appropriate size so the meat on the  
(25) pan can be pushed underneath the guard then pushed

(1) K. HODJIMAMETOV

(2) into the grinder with the push stick?

(3) **A. Correct.**

(4) Q. So, in terms of this particular guard, you  
(5) stated before, I believe, that the butchers felt  
(6) that the gap was too small and made this job  
(7) difficult.

(8) Is that what you said?

(9) **A. Yes, it was taken away because it was**  
(10) **slowing down the work process itself.**

(11) Q. In regard to feeding meat into that hole,  
(12) you would have to make sure that the meat was  
(13) appropriately cut to a sufficient size on this  
(14) white table before it was placed onto the pan.

(15) Would you agree with that?

(16) **A. Yes, you are right but when you are busy**  
(17) **you don't want to cut the meat into small pieces.**  
(18) **You put the bigger slices in order to grind the**  
(19) **meat. It takes an hour, so.**

(20) Q. So, to put smaller pieces into the grinder  
(21) it would require a little more work and a little  
(22) more time, correct?

(23) **A. Correct.**

(24) Q. Now, in order to speed the meat grinding  
(25) process along, was there a decision made to remove

(1) K. HODJIMAMETOV

(2) the safety guard which covers that hole?

(3) **A. Yes.**

(4) Q. Can you tell us which of the butchers had  
(5) expressed a desire to remove the guard to speed up  
(6) the meat grinding process?

(7) **A. I don't remember who suggested this but it**  
(8) **was suggested. We came to that decision all**  
(9) **together. We gathered and we talked about what we**  
(10) **could do in order to speed up the process and we**  
(11) **all decided or came to the conclusion that if we**  
(12) **removed it the work process would be faster.**

(13) Q. Can you, please, give me the names of  
(14) everybody involved in that decision making process,  
(15) please?

(16) **A. There was a lot. Alisher.**

(17) Q. Anybody else?

(18) **A. Isau was there. There was some other guys**  
(19) **who were there but they don't work there.**

(20) **Do you need their names, too, or you don't**  
(21) **need them?**

(22) Q. This decision, this discussion that  
(23) occurred was it over a period of days or weeks or  
(24) was there some of like an informal or formal  
(25) meeting where everyone concerned said we've got to



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(1) K. HODJIMAMETOV

(2) remove the guard because it's slowing us down or  
(3) words to that effect or something else?

(4) **A. We got it all together and then we decided**  
(5) **because it was giving us a hard time.**

(6) Q. Once the decision was made -- strike that.  
(7) Besides having addressed the problem that this was  
(8) slowing down the process, were there any other  
(9) alternatives that were considered besides removal  
(10) of the safety guard and, you know, for example,  
(11) maybe we can get a new pan with a guard that has a  
(12) bigger gap; any other thoughts or suggestions about  
(13) a way to alleviate the problem besides removal of  
(14) the safety guard?

(15) **A. No, we thought that it was in the way and**  
(16) **we decided to remove it.**

(17) Q. Was that the only reason why a decision  
(18) was made to take the guard off?

(19) **A. Yes.**

(20) Q. When that decision was being made, was  
(21) there any discussion among the group, the butchers  
(22) of the dangers that might present by removing the  
(23) guard?

(24) **A. Everybody already knew it would create**  
(25) **some danger but we knew we had to be very careful**

(1) **K. HODJIMAMETOV**

(2) **when we were using it.**

(3) Q. When the decision was made to remove the  
(4) guard, was the plaintiff part of those discussions  
(5) or that decision?

(6) A. Maybe he wasn't right there, maybe, but  
(7) everybody was at work. He was somewhere there. I  
(8) don't remember exactly where he was.

(9) Q. When the decision was made to remove the  
(10) guard, was there any discussion about any further  
(11) training for the workers using the machine as to  
(12) how they might do it as safely as possible given  
(13) the fact the safety guard was no longer going to be  
(14) in place?

(15) A. We all came to that decision. We had to  
(16) be careful when we were using it. There was not a  
(17) specific training that was involved in there.

(18) Q. When you say be careful, can you be a  
(19) little more specific as to what you mean by be  
(20) careful? What does that mean exactly?

(21) A. It means that your attention has to be in  
(22) that particular place. Nobody said that you have  
(23) to stick your hand in there. It means that you  
(24) just have to be careful and pay attention when you  
(25) are working.

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(1) **K. HODJIMAMETOV**

(2) Q. When you were testifying just now, you  
(3) appeared to be making a hand motion, a downward  
(4) hand motion.

(5) What was that supposed to represent?

(6) **A. There was a pusher. The big pusher and we**  
(7) **use that.**

(8) Q. How long -- was there one pusher or  
(9) multiple pushers or something else?

(10) **A. There were two pushers.**

(11) Q. Can you tell us the length of these two  
(12) pushers?

(13) **A. One was the one we saw in the picture, the**  
(14) **white one, and the other one was a little bit**  
(15) **bigger.**

(16) Q. A little bit longer?

(17) **A. The lengths were always the same but one**  
(18) **of them much wider and the other was narrower.**

(19) Q. Can you tell us the approximate length;  
(20) are we talking about a foot, a foot and a half, two  
(21) feet? Use meters, centimeters, whatever you're  
(22) comfortable with.

(23) **A. If it's in centimeters, maybe twenty,**  
(24) **twenty-five.**

(25) Q. Now, when the decision was made to remove

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(1) K. HODJIMAMETOV

(2) the guard, was there a discussion at that point in  
(3) time or any point thereafter let's make sure we use  
(4) the pushers now that the guard is off or any  
(5) instructions to that effect?

(6) **A. Yes, everybody had to use the pusher.**  
(7) **After we removed it, we worked using that machine**  
(8) **maybe for a year or year and a half.**

(9) Q. At the time the decision was made to  
(10) remove this guard, who was the person, the number  
(11) one person running the store; who was in charge of  
(12) the store?

(13) **A. There was a manager of the store.**

(14) Q. What was that manager's name at that time  
(15) the decision was made to remove the guard?

(16) **A. At that time, there was no manager. The**  
(17) **butchers decided to do it.**

(18) Q. Well, who was the most experienced --  
(19) strike that. Was there one butcher who was in  
(20) charge of all the other butchers at the time the  
(21) decision was made to remove the guard?

(22) **A. There was no such thing like a lead**  
(23) **butcher.**

(24) Q. The manager of the store was he told about  
(25) the decision that was being made by another butcher

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(1) K. HODJIMAMETOV

(2) to remove that guard?

(3) A. All the butchers were the same. They was  
(4) brother Alisher. There was a guy named Sanjar. We  
(5) all worked on the same level. There was no lead  
(6) butcher or anything.

(7) Q. Was there any butcher among that group who  
(8) said let's not remove the guard, it's not a good  
(9) idea?

(10) A. That part was giving us a very hard time  
(11) and at that time nobody said let's keep it.  
(12) Everybody agreed that we had to remove it.

(13) Q. Once the decision was made that the guard  
(14) needed to be removed, did any of the butchers  
(15) advise the store manager of that decision?

(16) A. Yes, we told him that we removed it.

(17) Q. What was his response?

(18) A. He said it was not a good idea to remove  
(19) it but we told him we would be very careful using  
(20) that machine.

(21) Q. After he said that, was there a plan put  
(22) into place to actually have the guard removed?

(23) A. When we removed it, then the manager saw  
(24) it.

(25) Q. Well, who actually physically removed the

(1) K. HODJIMAMETOV

(2) subject guard on the machine?

(3) **A. There was a person, his name is Kozim**  
(4) **brother. He is Isojon's father. He worked there.**  
(5) **He used to clean and do other stuff, as well. Then**  
(6) **all of us four, five butchers asked him to remove**  
(7) **it.**

(8) Q. Before the guard was removed, did anybody  
(9) at the shop, any of the butchers, at any point in  
(10) time pick up a phone to contact anybody, e-mail  
(11) anybody or text anybody from the seller of the  
(12) machine, the company that sold the machine, to ask  
(13) them if it was a good idea or whether there was any  
(14) other alternative that might be pursued to  
(15) alleviate the problem that you had with the speed  
(16) of the grinding process?

(17) **A. No, no, no.**

(18) Q. Who instructed the plaintiff's father to  
(19) remove the guard?

(20) **A. We all, Alisher brother, Sanjar, I, we all**  
(21) **agreed. Bohadir was there and we all agreed and we**  
(22) **all asked him.**

(23) Q. When he was instructed to remove the  
(24) guard, was there any instructions as to how he  
(25) might accomplish the task, how he was going to do

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(1) K. HODJIMAMETOV

(2) it?

(3) **A. No, we didn't talk about it.**

(4) Q. How much time went by from the time the  
(5) decision was made to remove the guard till the  
(6) actual removal of the guard?

(7) **A. Maybe one day. Maybe two days. I don't**  
(8) **remember for sure.**

(9) Q. Were you present when the guard was  
(10) removed?

(11) **A. Yes.**

(12) Q. Was that during regular store hours, in  
(13) the evening or something else?

(14) **A. It was while the store was operating.**  
(15) **Maybe at the end of the day in the evening. It has**  
(16) **been a long time. I don't remember.**

(17) Q. The guard that was removed was it at the  
(18) work station, the one we saw in the earlier  
(19) exhibit; was the machine taken to a different part  
(20) of the building to be removed or something else?

(21) **A. The equipment was located at the same**  
(22) **place where it was stationed. It was removed in**  
(23) **the same location.**

(24) Q. Was it removed with a torch, a chisel, a  
(25) hacksaw; what tools were used to remove the guard?

(1) K. HODJIMAMETOV

(2) A. We tried to remove it using a hammer but  
(3) it didn't work and then we used a balgar  
(4) (phonetic).

(5) THE INTERPRETER: It's a grinder in  
(6) English.

(7) A. It was cut using a grinder.

(8) Q. In essence it was cut off, correct?

(9) A. Yes.

(10) Q. Who is the person who did the actual  
(11) cutting of the guard?

(12) A. Kozim brother. He didn't. We asked him  
(13) to do so. He didn't cut it by himself on his own.  
(14) I don't want him to be blamed.

(15) Q. No, no, no. Maybe my question is unclear.  
(16) I'm not asking, you know, who told him to do it.  
(17) I'm simply trying to find out the physical act of  
(18) removing it.

(19) Was he the person who physically removed  
(20) the guard after the butchers told him to remove it?

(21) A. Yes. I understand.

(22) Q. After the guard was removed, did the  
(23) plaintiff undergo any further training or  
(24) retraining as to how he should use the grinder in  
(25) the new guardless state?



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(1) K. HODJIMAMETOV

(2) A. After we removed it, we used that machine  
(3) for a long time. So, everybody used it and  
(4) everybody knew how to use it.

(5) Q. What I'm getting at though the plaintiff  
(6) here was he the youngest of the people involved in  
(7) the butchering process?

(8) MR. EVANS: You mean the process or the  
(9) department?

(10) MR. REDD: Department.

(11) A. Yes, we can say that. Isau he was  
(12) twenty-one.

(13) Q. Is it fair to say he was the least  
(14) experienced person using this machine?

(15) A. You can say that the least experienced but  
(16) he has used it for a year and a half or so. Still  
(17) he has experience.

(18) Q. But maybe my question is unclear. What  
(19) I'm trying to ascertain on the day the guard was  
(20) cut off is it fair to say that the plaintiff was  
(21) the least experienced person working in the butcher  
(22) department?

(23) A. He worked there for a year and a half or  
(24) two and there were other less experienced or people  
(25) with small experience who, for example, he was

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(1) **K. HODJIMAMETOV**

(2) **doing driving job and then doing butcher's job.**

(3) Q. Did any of the more senior butchers  
(4) including yourself ever pull him aside and talk to  
(5) him after the guard was removed to advise him or to  
(6) tell him that he should exercise additional caution  
(7) when using the grinder now that it was without a  
(8) safety guard?

(9) A. Yes. It was not just him. There were  
(10) other three less experienced people there besides  
(11) him and that morning specifically brother Alisher  
(12) was using the grinder and then Isau he actually  
(13) said let me do it and then he started doing it and  
(14) that happened and you can see it on a camera. It  
(15) happened in the morning and we were cutting meat on  
(16) the side. So, you can see it on a camera.

(17) Q. Before we get there, I simply asked the  
(18) question though when the guard was removed at that  
(19) moment in time was there any further instructions  
(20) given to the plaintiff regarding additional things  
(21) he might have to do while working around the  
(22) machine now that the guard was off?

(23) **MR. ZOHAR: Note my objection.**

(24) **MR. EVANS: Note my objection to the form**  
(25) **of the question. I'll allow him to**

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K. HODJIMAMETOV

answer. I think it's been asked and  
answered.

MR. REDD: I'll remove the question and  
move on.

Q. Sir, was there on off buttons on this  
machine?

A. Yes, there is.

MR. REDD: Ms. Reporter, can we locate --  
I want to locate -- actually, I think we  
marked it already. I think it might be B.

THE WITNESS: I have to leave at ten to  
one because I have an appointment at one.  
(At this time a short break was taken.)

MR. REDD: Ms. Reporter, for the record,  
the witness has a doctor's appointment.  
He has a car service coming to pick him  
up. While we made a lot of progress  
today, we are certainly not done.  
So, we are going to continue at a date,  
time and place convenient to all  
especially for the witness.

(Continued on the next page to allow  
for the jurat.)

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K. HODJIMAMETOV

(Whereupon, at 12:35 p.m., the Examination  
of this Witness was concluded.)

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KHUSEN NOSIROVICH HODJIMAMETOV

Subscribed and sworn to before me

this \_\_\_\_ day of \_\_\_\_\_, 2022.

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NOTARY PUBLIC

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(1) K. HODJIMAMETOV

(2) I N D E X

(3) EXAMINATION BY PAGE

(4) JOSEPH REDD, ESQ. 7 - 67

(5)

(6)

(7)

(8) E X H I B I T S

(9) DEFENDANT'S EXHIBITS

(10) LETTER DESCRIPTION PAGE

(11) **A** **PHOTOGRAPH** **44**

(12) **B** **PHOTOGRAPH** **NOT USED**

(13) **C** **PHOTOGRAPH** **NOT USED**

(14) **D** **PHOTOGRAPH** **NOT USED**

(15) **E** **PHOTOGRAPH** **30**

(16) **F** **PHOTOGRAPH** **NOT USED**

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(20) INFORMATION AND/OR DOCUMENTS REQUESTED

(21) DESCRIPTION PAGE

(22) N/A

(23)

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(1) K. HODJIMAMETOV  
(2) C E R T I F I C A T E  
(3)

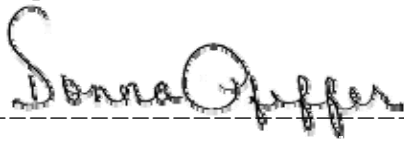
(4) STATE OF NEW YORK )  
 : SS.:  
(5) COUNTY OF NASSAU )  
(6)

(7) I, DONNA PFEFFER, a Notary Public for and  
(8) within the State of New York, do hereby certify:

(9) That the witness whose examination is  
(10) hereinbefore set forth was duly sworn and that such  
(11) examination is a true record of the testimony given  
(12) by that witness.

(13) I further certify that I am not related to  
(14) any of the parties to this action by blood or by  
(15) marriage and that I am in no way entered in the  
(16) outcome of this matter.

(17) IN WITNESS WHEREOF, I have hereunto set my  
(18) hand this 23rd day of May, 2022.

(19)   
(20) -----  
DONNA PFEFFER

(21)  
(22)  
(23)  
(24)  
(25)

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(1) **ERRATA SHEET FOR: HODJIMAMETOV**  
(2) **HODJIMAMETOV, being duly sworn, deposes and**  
(3) **says: I have reviewed the transcript of my**  
(4) **proceeding taken on 04/29/2022. The following**  
(5) **changes are necessary to correct my testimony.**

PAGE	LINE	CHANGE	REASON
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(23) **Witness Signature: \_\_\_\_\_**  
**Subscribed and sworn to, before me**  
(24) **this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.**  
  
\_\_\_\_\_  
(25) **(NOTARY PUBLIC) MY COMMISSION EXPIRES**

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